

EXECUTIVE ORDER 13514

FEDERAL LEADERSHIP IN
ENVIRONMENTAL, ENERGY AND
ECONOMIC PERFORMANCE

FAR and DEAR Implementation
and User Aids.

Notice a Pattern

- Third President in a Row to do this!
- Clinton had 5 Greening Orders starting with 13101.
- Bush trumped him by putting it all in one, i.e., EO 13423, [Did you know? Congress made this permanent by placing it in a continuing resolution!].
- Obama trumped him by adding Green House Gases and Plug In Hybrids in EO 13514.

FAR Case 2010-001 Sustainable Acquisition – What's New

- A new 23.002 is established aimed directly at DOE. It repeats E.O. 13423, Section 3(e) requirement that contracts for Contractor operation of a Government facility must contain a clause requiring the Contractor to comply with E.O. 13423 to the same extent as if the agency operated the facility.

FAR Case 2010-001 Sustainable Acquisition – What's New

- A new Subpart 23.101, Sustainable Acquisition, is added.
- Sustainable Acquisition includes all Greening attributes, Recycled or Bio-based content, Energy and Water Efficiency, Electronic Product Environmental Assessment Tool, etc.

FAR Case 2010-001 Sustainable Acquisition – What's New

- FAR 23.101 (b) Goal. - Federal agencies shall advance sustainable acquisition by ensuring 95% of new contracts for the supply and or use of products or services are sustainable. [This is an OFPP insertion.]
- FAR 23.101(c) Exemptions. – This exempts weapons systems, intelligence activities, and law enforcement vehicles. It is carried forward from 13423.

FAR Case 2010-001 Sustainable Acquisition – What's New?

- A new Subpart 23.9, Contractor Compliance with Environmental Management Systems, is added. This requires Contractors operating Government owned or leased facilities to participate in the facility environmental management system and add a clause with the requirement.

FAR Case 2010-001 Sustainable Acquisition – What's New?

- All the old separate 23 Subparts, i.e., energy efficiency, recycled content, bio-based, etc., remain because all of the attributes have separate statutory requirements which remain.
- FAR 36 changed to recognize high performance sustainable building practices and a goal that 50% of all construction and demolition debris be diverted.

FAR Case 2010-001 Sustainable Acquisition – What's New?

- 52.223-XX, Contractor Compliance with Environmental Management Systems. This clause provides that the contractor follow agency directives on EMS. The Sustainable Initiative Working Group expressly supported inclusion of the FAR clause in DOE contracts for contractor operation of DOE facilities.

DEAR Sustainable Rulemaking

- A new 923.002 recognizes the requirement for a contract clause re: E.O. 13423 and refers to the new 970.5223-7 clause previously contained in A.L. 2008-05.
- A new Subpart 923.1 recognizes Sustainable Acquisition and requires it of all contractors operating DOE facilities or fleets. It also lists FAR 52.223 clauses that must be included.

DEAR Sustainable Rulemaking

- 923.903 added to instruct our people to use the clause at FAR 52.223-XX.
- 936.202 added to remind construction buyers of the EO 13514 goal of diverting 50% of construction and demolition debris.
- 952.223-78 added to instruct use of the clause at 970.5223-6, Sustainable and Environmentally Preferable Purchasing Practices.

DEAR Sustainable Rulemaking

- 970.2301, Sustainable Acquisition, added. It states that all green acquisition in DOE will be known as the DOE Sustainable and Environmentally Preferable Program. It specifies use of a new clause at 970.5223-6.
- 970.2304, 970.2307, dealing with recovered material and motor vehicles are removed as they are outdated.

DEAR Sustainable Rulemaking

- 970.5223-2, Affirmative Procurement Program, is removed.
- 970.5223-6, Sustainable and Environmentally Preferable Purchasing Practices, is added. The clause was developed by the Acquisition Working Group under the Sustainability Initiative Working Group. It is the all things green clause for M&O and other contractors operating DOE facilities with significant sustainable subcontracting opportunities.

DEAR Sustainable Rulemaking

- 970.5223-7, Implementation of Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management and Its Implementing Instructions, is added. It contains the required provision previously in A.L. 2008-05.

GREENING H CLAUSES

One More Thing Please

- Not Everyone Understands Green Purchasing
- Make It Easy
- We Have Green Purchasing Clauses in STRIPES
- They explain Green Purchasing and tell where to get information

- We have variations for:
 - A-E Contracts
 - Construction Contracts
 - Janitorial Services Contracts
 - Computer Contracts
 - General Service Contracts
- Urge your people and your management contractors to use them.
- Make it easy!